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west virginia department of environmental protection

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Division of Mining and Reclamation  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345  
Phone: (304) 926-0490  
Fax: (304) 926-0456

Austin Caperton, Cabinet Secretary  
dep.wv.gov

September 2, 2020

Bluestone Coal Corporation  
PO Box 2178  
Beaver, WV 25813

Certified Mail

Return Receipt Requested

**ADMINISTRATIVE CIVIL PENALTY ASSESSMENT NOTICE**

Dear Permittee,

Enclosed is **PROPOSED Consent Order Number M-19-283** dated the 2nd day of September 2020. This action is based upon the investigation and recommendation of the West Virginia Department of Environmental Protection's (WVDEP) Division of Mining and Reclamation in response to Bluestone Coal Corporation violating Chapter 22, Article 11, of the West Virginia State Code.

This Revised PROPOSED Consent Order is being offered pursuant to Chapter 22, Article 11, Section 22a of the West Virginia Code and Legislative Rule, Title 47, Series 30B (47CSR30B).

Please review the terms and conditions of the Revised PROPOSED Consent Order and respond within thirty (30) days of your receipt of this letter. You may accept these terms and conditions by signing and returning the Revised PROPOSED Consent Order to me at WVDEP; Division of Mining and Reclamation; Inspection and Enforcement; 601 57<sup>th</sup> Street SE Charleston, WV 25304. If you wish to request an Informal Hearing before an Assessment Officer, please respond to Michelle Sturey, in writing, at the above address within thirty (30) days of receipt of the PROPOSED Consent Order. Should you request an Informal Hearing, you will receive notice of its time, place, and location, at least fifteen (15) calendar days in advance.

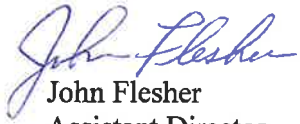
Upon conclusion of this proceeding and your reaching agreement with the WVDEP on a resolution of the violation(s) contained in the PROPOSED Consent Order, the PROPOSED Consent Order will be designated as a Draft Consent Order and will be subject to the Public Notice and comment requirements set forth in West Virginia Code Chapter 22-11-22a. This notice will identify the responsible party, the specific enforcement action to be taken and the Civil Administrative Penalty assessment. The WVDEP will consider all comments received during the thirty (30) day comment period and the Draft Consent Order may be subject to

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change. Should the proposed settlement be modified after the comment period, you have the option of choosing not to enter into the Draft Consent Order.

Failure to respond to this correspondence as required shall be considered as your refusal to participate in this process.

Sincerely,



John Flesher  
Assistant Director  
Enforcement Coordinator



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west virginia department of environmental protection

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Division of Mining and Reclamation  
601 57<sup>th</sup> Street  
Charleston, WV 25304  
Phone: 304-926-0440/Fax: 304-926-0456

Austin Caperton, Cabinet Secretary  
dep.wv.gov

**CONSENT ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Bluestone Coal Corporation  
P.O. Box 2178  
Beaver, WV 25813

DATE: September 2, 2020  
  
ORDER NO.: M-19-283

**INTRODUCTION**

This Consent Order is issued by the Director of the Division of Mining and Reclamation (hereinafter “Director”), under the authority of West Virginia Code, Chapter 22, Article 11, Section 1 et seq. to Bluestone Coal Corporation (hereinafter “Bluestone”).

**FINDINGS OF FACT**

In support of this Order, the Director hereby finds the following:

1. Bluestone holds West Virginia National Pollution Discharge Permits (“NPDES”) issued by the West Virginia Department of Environmental Protection (“WVDEP”) for its mining and mining-related operations in West Virginia. Among those WVDEP NPDES Permits are WV1005979, WV1005995, WV1006304, WV1006347, WV1006479, WV1006614, WV1008552, WV1008838, WV1018698, WV1018736, WV1018965, WV1021095, WV1021079, WV1024159 (“Permits”).
2. The WVDEP NPDES Permits are issued pursuant to the WVDEP’s authority under the West Virginia Water Pollution Control Act pursuant to authority delegated to the WVDEP by the United States Environmental Protection Agency under the Federal Clean Water Act for the issuance of WVDEP NPDES Permits.

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3. Bluestone has failed to submit required monthly Discharge Monitoring Reports (“DMRs”) information on its effluent discharge and other information to the WVDEP, pursuant to the terms and conditions of the WVDEP NPDES Permits. This Failure to Submit has occurred through not electronically filing the DMRs as prescribed by the Division of Mining and Reclamation (“the Division”).
4. Bluestone has reported the quality of its discharges and other information to the WVDEP, pursuant to the terms and conditions of the WVDEP NPDES Permits. This reporting has occurred through electronic filing of Discharge Monitoring Reports (“DMRs”) as prescribed by the Division of Mining and Reclamation (“the Division”).
5. The Division has developed and maintains a database which compiles the information submitted in DMRs by holders of WVDEP NPDES Permits issued for mining and mining-related operations, including the information submitted by Bluestone for the Permits (“the Database”). The Database has been used by the WVDEP to track compliance with WVDEP NPDES Permits for coal mining activities.
6. The WVDEP has evaluated agency records beginning with January 2016 through June 2020 regarding Bluestone Permit(s), DMRs, and other related information, including information submitted by the Bluestone at the request of WVDEP, and has completed an evaluation of Bluestone DMR compliance.
7. Based on its evaluation, the WVDEP has documented violations of the permitted effluent limits for the WVDEP NPDES Permits. The results of this investigation are included in Attachments 3A and 3B which list the WVDEP NPDES Permits that have violations.
8. Based on its evaluation, the WVDEP has documented the failure to report Monthly DMR information required by WVDEP NPDES Permit Nos. WV1006304 and WV1008552 which is documented in Attachment 4.
9. Based on its evaluation, the WVDEP has documented the failure to report Quarterly WET data as required by WVDEP NPDES Permit Nos. WV1021079 and WV1021095.
10. Based on its evaluation, the WVDEP has documented the failure to report Annual BAS monitoring data as required by WVDEP NPDES Permit Nos. WV1021079 and WV1021095.
11. Based on its evaluation, the WVDEP has documented 66 (sixty-six) failure to submit payments for WVNPDES Annual Permit Fees (Coal). These fees are addressed in the payment plan included in Consent Order M-19-273.
12. Based on its evaluation, the WVDEP has documented Notice of Violations (“NOV”) and Single Event Violations (“SEV”) of WV1005774, WV1005944, WV1005979, WV1005987, WV1005995, WV1006070, WV1006347, WV1006479, WV1006614, WV1008838, WV1012088, WV1018701, WV1018833, and WV1024124. These NOVs and SEVs were issued under the enforcement standard “Failure to Submit Timely Permit Renewal”. All Permit Renewals have since been submitted and Bluestone is working with WVDEP towards completion.

13. Bluestone is also subject to the terms and conditions of a consent decree entered into between The United States of America, et. al., and Southern Coal Corporation, et. al, Civil Action No. 7:16-cv-00462-GEC in the United States District Court for the Western District of Virginia, Roanoke Division dated September 30, 2016 (the “Federal Consent Decree”). That Consent Decree requires, among other things, the payment of stipulated penalties by Bluestone for violations of WVDEP NPDES permit conditions and effluent limits, inclusive of the NPDES Permits listed above. For effluent violations associated with the NPDES Permits and timeframe covered by this Order, Bluestone has been assessed and paid stipulated penalties under the Federal Consent Decree.

### **ORDER FOR COMPLIANCE**

Now, therefore, in accordance with Chapter 22, Article 11, Section 1 et seq. of the West Virginia Code it is hereby agreed between the parties, and ORDERED by the Director:

1. Bluestone shall immediately take all measures to initiate compliance with all terms and conditions of the Permit(s), Outlets(s) and Parameter(s) indicated in Table A below:

PERMIT	OUTLET(s)	PARAMETER
WV1005995	001	Aluminum, total
WV1006304	005, 006, 007, 008	Selenium, total
WV1006347	001	Aluminum, total
WV1018698	001, 002	Aluminum, total
“	001	Total Suspended Solids
WV1018736	002	Iron, total
WV1018965	004, 005, 007, 010	Aluminum, total
WV1024159	003	Aluminum, total

2. Bluestone shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
3. In accordance with the time limits specified below, Bluestone shall submit for the Division’s approval a proposed Corrective Action Plan (CAP) with schedule and possible applications for modification(s), outlining how and when Bluestone will achieve compliance with Permit(s) limits for which compliance cannot be immediately achieved. This CAP shall address the Permit(s) listed in Table A of this Order. The CAP will include costs of construction, maintenance, and operation.
- Permits WV1006304 and WV1018965, within 45 days of final entry of this Order;
  - Permits WV1005995, WV1006347, and WV1018698, within 60 days of final entry of this Order; and
  - Permits WV1018736 and WV1024159, within 90 days of final entry of this Order.

With respect to Permit WV106304, Bluestone currently has pending draft NPDES permit reissuance NPR 6, which proposes to assign semi-annual Selenium fish tissue compliance

monitoring for Outlets 005, 007 and 008; and Bluestone has otherwise demonstrated Selenium compliance at Outlet 006. Should WV106304 NPR6 be approved by the Division prior to the final entry of this Order, Bluestone shall not be required to submit a CAP for Permit WV106304.

4. The Division shall review the proposed CAP and promptly notify Bluestone of any comments it may have with the proposed CAP. The parties agree to work together to resolve any issues related by the Division with regards to the CAP. Within 30 days of receipt of the Division's approval of the CAP, Bluestone shall begin the implementation of the plan in accordance with the scheduled provided therein. Upon approval, the CAP shall be considered a part of this Order.
5. Because of Bluestone's WVDEP NPDES violations of the Permit(s), Bluestone shall be assessed a Civil Administrative Penalty of **\$125,000 (one hundred twenty-five thousand dollars)**, which is the maximum penalty under Chapter 22, Article 11 §22a (b)(1), to be paid to the Department of Environmental Protection in accordance with the Payment Schedule contained in Attachment 2. The penalty amount will be deposited in the Mining and Reclamation Operations Fund. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or Federal Law.
6. **All payments shall be mailed (or sent by wire transfer subject to WVDEP approval with email notification) to:**

**John Vernon, Assistant Deputy Director  
Division of Mining and Reclamation  
WV-DEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

7. The Order for Compliance of this Order satisfies any claim WVDEP has or may have for penalties under the West Virginia Water Pollution Control Act for violations of the effluent limits for outlets which occurred January 2016 through June 2020 in relation to the specified Permits. Any violations that occur between the last day of June 2020 and the date of the Draft Order shall be considered part of the Civil Administrative Penalty.
8. **Stipulated Penalties**
  - a. Beginning with the date of the Draft Order, Bluestone shall be liable for stipulated penalties for the following violations of the permits listed in Table A of Order for Compliance number 1. These penalties shall accrue as follows:
    - i. For each reporting period for each of the Permits for which Bluestone fails to submit required WET, Fish Tissue, or BAS data and/or reports, Bluestone will be liable for a stipulated penalty of \$10,000 per associated outlet.
  - b. Beginning with the date of the Draft Order, Bluestone shall be liable for stipulated penalties for violations of items 2, 3, and 5 of the Order for Compliance of this Order. These stipulated penalties shall be effective until termination of this Order. These stipulated penalties accrue as follows:



- i. The first through the 15<sup>th</sup> day of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$1,000 per day per violation.
  - ii. The 16<sup>th</sup> through 30<sup>th</sup> days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$2,000 per day per violation.
  - iii. The 31<sup>st</sup> day and all additional days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$3,000 per day per violation.
- c. For the period beginning on the date of the Draft Order through the termination date of this Order, Bluestone shall be liable for stipulated penalties for non-compliances for Permit(s), Outlet(s) and Parameter(s) specified in Table A in the following amounts:
  - i. \$1,000 for each violation of a daily maximum limit;
  - ii. \$3,000 for each violation of a monthly average limit;
  - iii. \$10,000 for each month for each of the Permits for which Bluestone fails to submit a required discharge monitoring report for one or more outlets with limits.
  - iv. \$10,000 for each violation of Fish Tissue limits for each monitoring site for selenium.
- d. It is agreed that for any stipulated penalty under part c above , Bluestone shall be entitled to offset the amount of any such stipulated penalty assessed by WVDEP by the amount of any stipulated penalty paid by Bluestone under the Federal Consent Decree for the same NPDES violation - up to a maximum of 10% of the individual stipulated penalty assessed by WVDEP. Bluestone shall have the burden to document any such applicable stipulated payment under the Federal Consent Decree. This offset shall not apply to stipulated penalties for failure to submit discharge monitoring reports under iii or violation of Fish Tissue limits under iv in part c above.

#### **OTHER PROVISIONS**

1. Bluestone hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 of the Code of West Virginia. Under this Order, Bluestone agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Bluestone does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Bluestone other than proceedings, Administrative or Civil, to enforce this Order. It is further agreed that once this Order becomes final, enforcement of the terms and conditions thereof may be sought by either party in the Circuit Court of Kanawha County, West Virginia except as it applies to Bluestone's ability to challenge the required payment of the Civil Administrative Penalty under Attachment 2 and any demanded Stipulated Penalties.

2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, Bluestone shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Bluestone becomes aware of such a delay, notification shall be provided to the Acting Assistant Deputy Director and shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Bluestone intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Bluestone (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Bluestone of the obligation to comply with any applicable law, Permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Bluestone to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on Bluestone, its successors and assigns.
7. For Permits covered under this Order but not listed in Table A, this Order shall terminate upon the receipt of full payment of the Civil Administrative Penalty specified above. For Permits listed in Table A, this Order shall terminate upon the verification of WVDEP that Bluestone has met all requirements of the Order and is in full compliance thereof; provided however, that Bluestone may request and the Division may grant termination of this Order on a permit by permit basis.
8. The effective date of the Draft Order shall be the date this Order is executed by Bluestone.
9. The effective final date of this Order shall be the date this Order is executed by the West Virginia Department of Environmental Protection.



\_\_\_\_\_  
Company Representative, Representative Title  
Bluestone Coal Corporation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Notice begin:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Notice end:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Harold D. Ward, Director  
Division of Mining and Reclamation  
Deputy Secretary  
Department of Environmental Protection

\_\_\_\_\_  
Date

**Attachment 1**

The Permittee shall achieve compliance with the requirements of the Order in accordance with the following schedule for all permits listed in Table A of Order for Compliance:

a. Submit required Corrective Action Plan.	As specified in the Order for Compliance - 3 of this Order.
b. Submit a <b>Quarterly</b> Status Report to the Assistant Deputy Director, Permit Inspector and NPDES Supervisor for each listed Permit.	Beginning October 30, 2020 and by the 30 <sup>th</sup> day of the first month of each calendar quarter through termination of Order.
c. Approval of applications for Permit Reissuance.	Within 180 days of final date of this Order.
d. Continue to monitor all applicable permits/outlets per approved final effluent limits and submit per NPDES permit conditions.	Monthly per Discharge Monitoring Report requirements
e. Comply with final effluent limits for all Permits/Outlets/Parameters	As soon as possible but no later than 1 (one) year from the effective date of this Order, or when a permit application specifying new final limits has been approved, whichever occurs first.

**Attachment 2**

**Payment Schedule**

1. Payment of 20% of Civil Administrative Penalty to be paid within 30 days of execution of Order by the Director-\$25,000.00
2. Payment of \$10,000.00 by October 30, 2020
3. Payment of \$10,000.00 by November 30, 2020
4. Payment of \$10,000.00 by December 30, 2020
5. Payment of \$10,000.00 by January 30, 2021
6. Payment of \$10,000.00 by February 30, 2021
7. Payment of \$10,000.00 by March 30, 2021
8. Payment of \$10,000.00 by April 30, 2021
9. Payment of \$10,000.00 by May 30, 2021
10. Payment of \$10,000.00 by June 30, 2021
11. Payment of \$10,000 by July 30, 2021

## ATTACHMENT 3-A

WV1005979; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18									
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Degree of Non-Compliance			
10/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	1.09600	46.13%	Min.	Mod.	Maj.	
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.55	106.67%		X		
7/31/2018	01045 - Iron, Total (as Fe)	MG/L	2.46	2.60	5.69%	Min.	Mod.	Maj.	
WV1005979; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18									
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Degree of Non-Compliance			
12/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.43	0.56700	31.86%	Min.	Mod.	Maj.	
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.55	260.47%		X		
WV1005979 non pH Totals									
						Degree of non-compliance			
						Min.	Mod.	Maj.	
						3	2	0	
plus pH									
						0	0	0	
WV1005979 Totals									
						Degree of non-compliance			
						Min.	Mod.	Maj.	
						3	2	0	

WV1005995; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18										Degree of Non-Compliance			
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.					
4/30/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	2.54900	3.62%	X							
5/31/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	2.65400	7.89%	X							
6/30/2018	01045 - Iron, Total (as Fe)	MG/L	2.46	2.8800	17.07%	X							
9/27/2018	01045 - Iron, Total (as Fe)	MG/L	2.46	8.68	252.85%		X						
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.75	0.89600	19.47%	X							
7/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	0.87600	16.80%	X							
10/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	1.08800	45.07%	X							
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.8000	140.00%		X						
9/27/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	5.51	634.67%			X					
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.18	57.33%	X							
5/31/2016	00530 - Total Suspended Solids	MG/L	70	73.00000	4.29%	X							
6/30/2018	00530 - Total Suspended Solids	MG/L	70	98.0000	40.00%	X							
WV1005995; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18										Degree of Non-Compliance			
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.					
4/30/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.48250	4.40%	X							
5/31/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.54450	8.77%	X							
6/30/2018	01045 - Iron, Total (as Fe)	MG/L	1.42	1.5900	11.97%	X							
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.43	0.51450	19.65%	X							
7/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	0.49900	16.05%	X							
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.43850	1.98%	X							
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.0100	134.88%		X						
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.48	11.63%	X							
5/31/2016	00530 - Total Suspended Solids	MG/L	35	40.00000	14.29%	X							
6/30/2018	00530 - Total Suspended Solids	MG/L	35	54.5000	55.71%		X						

WV1005995 non pH Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	17	4	1

plus pH	0	0	0
WV1005995 Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	17	4	1





Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
2/29/2016	00530 - Total Suspended Solids	MG/L	35	43.00000	22.86%	X		
8/31/2017	00530 - Total Suspended Solids	MG/L	35	858.66667	2353.33%			X
3/31/2018	00530 - Total Suspended Solids	MG/L	35	93.66667	167.62%		X	
10/31/2018	00530 - Total Suspended Solids	MG/L	35	184.00	425.71%			X
8/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	6.99000	1525.58%			X
3/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.86360	100.84%		X	
10/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.68	290.70%		X	
8/31/2017	01045 - Iron, Total (as Fe)	MG/L	1.42	10.13367	613.64%			X
10/31/2018	01045 - Iron, Total (as Fe)	MG/L	1.42	3.24	128.17%		X	

WV1006304; Outlet 003; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.46500	16.28%	X		
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	4.7200	0.43%	X		

WV1006304; Outlet 005; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.75	0.79800	6.40%	X		
10/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	1.41900	89.20%	X		
10/31/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	2.99700	21.83%	X		
10/31/2017	00530 - Total Suspended Solids	MG/L	70	118.00000	68.57%	X		
1/31/2018	00530 - Total Suspended Solids	MG/L	70	97.00000	38.57%	X		
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	8.30	1.22%	X		

WV1006304; Outlet 005; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
10/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	0.50400	17.21%	X		
10/31/2017	00530 - Total Suspended Solids	MG/L	35	37.40000	6.86%	X		
12/31/2017	00530 - Total Suspended Solids	MG/L	35	37.66667	7.62%	X		
1/31/2018	00530 - Total Suspended Solids	MG/L	35	35.3300	0.94%	X		

6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	7.2200	53.62%		X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	7.46	58.72%		X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.42	36.60%	X		
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.96	26.81%	X		
10/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.13	30.43%	X		
11/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.20	31.91%	X		
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.61	19.36%	X		

WV1006304; Outlet 006; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	8.87	8.17%	X		

WV1006304; Outlet 006; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.7200	42.98%		X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	7.18	52.77%		X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.62	19.57%	X		
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.05	28.72%	X		
10/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.79	23.19%	X		
11/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.24	32.77%	X		
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	5.44	15.74%	X		

WV1006304; Outlet 007; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.75	1.18800	58.40%	X		
5/31/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	2.69800	9.67%	X		
5/31/2016	00530 - Total Suspended Solids	MG/L	70	75.00000	7.14%	X		
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	13.0000	58.54%	X		
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	13.92	69.76%	X		
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	14.23	73.54%	X		
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	13.06	59.27%	X		
10/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	12.78	55.85%	X		



11/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	14.05	71.34%	X	
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	12.45	51.83%	X	
WV1006304; Outlet 007; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18							
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Maj.
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.43	0.63250	47.09%		X
5/31/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.42800	0.56%	X	
5/31/2016	00530 - Total Suspended Solids	MG/L	35	39.50000	12.86%	X	
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	11.3400	141.28%		X
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	8.72	85.53%		X
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.13	115.53%		X
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.45	122.34%		X
10/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	8.88	88.94%		X
11/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.22	117.45%		X
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.74	107.23%		X
WV1006304; Outlet 008; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18							
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Maj.
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	11.1700	36.22%	X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	14.02	70.98%	X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	12.41	51.34%	X	
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	11.93	45.49%	X	
10/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	12.02	46.59%	X	
11/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	11.72	42.93%	X	
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	9.77	19.15%	X	
WV1006304; Outlet 008; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18							
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Maj.
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	11.1200	136.60%		X
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	7.59	61.49%		X
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.86	109.79%		X
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.56	103.40%		X

10/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.41	100.21%		X	
11/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	8.67	84.47%		X	
12/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	8.08	71.91%		X	
WV1006304; Outlet 045; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
3/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	6.63000	784.00%			X
3/31/2017	00530 - Total Suspended Solids	MG/L	70	186.00000	165.71%		X	
3/31/2017	01045 - Iron, Total (as Fe)	MG/L	5.26	6.47000	23.00%	X		
WV1006304; Outlet 045; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
5/31/2016	01105 - Aluminum, Total (as Al)	MG/L	.43	0.49850	15.93%	X		
3/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	2.23567	419.92%			X
3/31/2017	00530 - Total Suspended Solids	MG/L	35	64.66667	84.76%		X	
5/31/2016	00530 - Total Suspended Solids	MG/L	35	36.50000	4.29%	X		
WV1006304 non pH Totals								
Degree of non-compliance						Min.	Mod.	Maj.
						57	29	12
plus pH								
						0	0	0
WV1006304 Totals								
Degree of non-compliance						Min.	Mod.	Maj.
						57	29	12

WV1006347; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18										Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.				
4/30/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	0.81900	9.20%	X						
10/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	1.19700	59.60%	X						
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.6600	121.33%		X					
9/27/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.939	25.20%	X						
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.31	74.67%	X						
6/30/2018	00530 - Total Suspended Solids	MG/L	70	94.0000	34.29%	X						
11/30/2018	00530 - Total Suspended Solids	MG/L	70	74.00	5.71%	X						
6/30/2018	01045 - Iron, Total (as Fe)	MG/L	2.46	2.9000	17.89%	X						
WV1006347; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18										Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.				
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.9600	123.26%		X					
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.44	2.33%	X						
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.55	27.91%	X						
6/30/2018	00530 - Total Suspended Solids	MG/L	35	52.0000	48.57%		X					
6/30/2018	01045 - Iron, Total (as Fe)	MG/L	1.42	1.6200	14.08%	X						

Degree of non-compliance			
Min.	Mod.	Maj.	
10	3	0	0

plus pH	0	0	0	0
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Degree of non-compliance			
Min.	Mod.	Maj.	
10	3	0	0



WV1006479; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18						
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Degree of Non-Compliance
6/30/2017	00530 - Total Suspended Solids	MG/L	70	87	24.29%	Min. X Mod. Maj.

WV1006479 non pH Totals			
Degree of non-compliance			
Min.	Mod.	Maj.	
1	0	0	

plus pH	0	0	0
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WV1006479 Totals			
Degree of non-compliance			
Min.	Mod.	Maj.	
1	0	0	

WV1006614; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18									
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Degree of Non-Compliance			
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.25400	67.20%	Min.	Mod.	Maj.	
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.8300	10.67%	X			
WV1006614; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18									
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Degree of Non-Compliance			
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.76000	76.74%	Min.	Mod.	Maj.	
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.5000	16.28%	X			
WV1006614 non pH Totals									
						Degree of non-compliance			
						Min.	Mod.	Maj.	
						3	1	0	
plus pH									
						0	0	0	
WV1006614 Totals									
						Degree of non-compliance			
						Min.	Mod.	Maj.	
						3	1	0	

WV1008838; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18							Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance		Min.	Mod.	Maj.
4/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.27700	70.27%		X		
WV1008838; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18							Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance		Min.	Mod.	Maj.
4/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.27700	196.98%			X	
4/30/2018	00530 - Total Suspended Solids	MG/L	35	64.00000	82.86%			X	

WV1008838 non pH Totals			Degree of non-compliance		
			Min.	Mod.	Maj.
			1	2	0

plus pH	0	0	0
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WV1008838 Totals			Degree of non-compliance		
			Min.	Mod.	Maj.
			1	2	0

WV1018698; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18										Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.				
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	3.21700	328.93%		X					
3/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	3.40000	353.33%		X					
5/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	5.8000	673.33%			X				
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	2.4900	232.00%		X					
10/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.85	13.33%	X						
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.87	16.00%	X						
12/17/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.48	97.33%	X						
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.53	104.00%		X					
2/28/2018	00530 - Total Suspended Solids	MG/L	70	184.00000	162.86%		X					
3/31/2018	00530 - Total Suspended Solids	MG/L	70	204.00000	191.43%		X					
5/31/2018	00530 - Total Suspended Solids	MG/L	70	300.0000	328.57%		X					
6/30/2018	00530 - Total Suspended Solids	MG/L	70	165.0000	135.71%		X					
12/31/2018	00530 - Total Suspended Solids	MG/L	70	83.00	18.57%	X						
3/31/2018	01045 - Iron, Total (as Fe)	MG/L	5.26	5.39800	2.62%	X						
5/31/2018	01045 - Iron, Total (as Fe)	MG/L	5.26	9.5800	82.13%	X						
WV1018698; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18										Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.				
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.04767	143.64%		X					
3/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.96720	124.93%		X					
5/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.5100	251.16%		X					
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	2.4900	479.07%			X				
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.49	13.95%	X						
10/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.56	30.23%	X						
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.63	46.51%		X					
2/28/2018	00530 - Total Suspended Solids	MG/L	35	60.62500	73.21%		X					
3/31/2018	00530 - Total Suspended Solids	MG/L	35	54.40000	55.43%		X					
5/31/2018	00530 - Total Suspended Solids	MG/L	35	77.0000	120.00%		X					
6/30/2018	00530 - Total Suspended Solids	MG/L	35	165.0000	371.43%			X				
12/31/2018	00530 - Total Suspended Solids	MG/L	35	40.50	15.71%	X						
5/31/2018	01045 - Iron, Total (as Fe)	MG/L	3	3.0200	0.67%	X						

6/30/2018	01045 - Iron, Total (as Fe)	MG/L	3	4.1400	38.00%	X	
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WV1018698; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18						
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Degree of Non-Compliance
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.9700	162.67%	Min. Mod. Maj.
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.84	12.00%	X
8/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.33	77.33%	X
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	2.54	238.67%	X
6/30/2018	00530 - Total Suspended Solids	MG/L	70	75.0000	7.14%	X

WV1018698; Outlet 002; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18						
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Degree of Non-Compliance
7/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	0.66300	54.19%	Min. Mod. Maj.
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	1.1800	174.42%	X
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.90	109.30%	X
6/30/2018	00530 - Total Suspended Solids	MG/L	35	43.0000	22.86%	X

WV1018698; Outlet 003; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18						
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Degree of Non-Compliance
10/10/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.912	21.60%	Min. Mod. Maj.

WV1018698 non pH Totals				Degree of non-compliance		
				Min.	Mod.	Maj.
				16	20	3

plus pH				0	0	0
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WV1018698 Totals				Degree of non-compliance		
				Min.	Mod.	Maj.
				16	20	3



WV1018736; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18							Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.	
1/31/2016	01055 - Manganese, Total (as Mn)	MG/L	2	2.14700	7.35%	X			
4/30/2016	01055 - Manganese, Total (as Mn)	MG/L	2	2.10650	5.33%	X			
6/30/2016	01055 - Manganese, Total (as Mn)	MG/L	2	2.45150	22.58%	X			
8/31/2016	01055 - Manganese, Total (as Mn)	MG/L	2	2.14450	7.22%	X			

WV1018736; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.		
8/26/2016	01055 - Manganese, Total	MG/L	3.47	7.94	128.82%		X			
9/9/2016	01055 - Manganese, Total	MG/L	3.47	5.04	45.24%	X				
9/9/2016	01105 - Aluminum, Total (as Al)	MG/L	0.75	0.775	3.33%	X				
9/9/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	4.64	88.62%	X				
9/30/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	6.70400	172.52%		X			
11/30/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	2.63700	7.20%	X				
1/31/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	2.95900	20.28%	X				
12/31/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	2.70600	10.00%	X				
11/2/2018	01045 - Iron, Total (as Fe)	MG/L	2.46	2.89	17.48%	X				
11/2/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.43	90.67%	X				

WV1018736; Outlet 002; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18										Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.				
7/31/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.44250	1.58%	X						
9/30/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	4.63450	226.37%		X					
11/30/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	2.07400	46.06%		X					
7/31/2017	01045 - Iron, Total (as Fe)	MG/L	1.42	1.53650	8.20%	X						
8/31/2018	01045 - Iron, Total (as Fe)	MG/L	1.42	1.51	6.34%	X						
9/30/2018	01045 - Iron, Total (as Fe)	MG/L	1.42	1.64	15.49%	X						

WV1018736 non pH Totals

Degree of non-compliance

Min. Mod. Maj.



	16	4	0
plus pH	0	0	0
WV1018736 Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	16	4	0



Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
5/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.2800	100.00%	X		
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.3200	128.57%		X	
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.47	235.71%		X	
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.32	128.57%		X	
WV1018965; Outlet 005; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.0900	12.50%	X		
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.16	100.00%		X	
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.17	112.50%		X	
WV1018965; Outlet 006; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.22	57.14%	X		
WV1018965; Outlet 006; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.12	50.00%		X	
WV1018965; Outlet 007; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
7/31/2017	00530 - Total Suspended Solids	MG/L	70	116.00000	65.71%	X		
7/31/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	4.98100	102.48%		X	
10/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.22	57.14%	X		
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.24	71.43%	X		
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.24	71.43%	X		
WV1018965; Outlet 007; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.12	50.00%		X	

Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.09	12.50%	X		
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.16	100.00%		X	
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.13	62.50%		X	
WV1018965; Outlet 010; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18								
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.2500	78.57%	X		
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.29	107.14%		X	
8/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.53	278.57%		X	
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.14	0.68	385.71%		X	
WV1018965; Outlet 010; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18								
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.0900	12.50%	X		
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.10	25.00%	X		
8/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.11	37.50%	X		
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.23	187.50%		X	
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.08	0.09	12.50%	X		
WV1018965 non pH Totals					Degree of non-compliance			
					Min.	Mod.	Maj.	
					25	15	0	0
plus pH								
					0	0	0	0
WV1018965 Totals					Degree of non-compliance			
					Min.	Mod.	Maj.	
					25	15	0	0



WV1021095; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18									
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.	Degree of Non-Compliance
1/31/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	3.49400	42.03%	X			
2/29/2016	01045 - Iron, Total (as Fe)	MG/L	2.46	2.58100	4.92%	X			
7/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75	1.05500	40.67%	X			
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.88	17.33%	X			
7/31/2017	00530 - Total Suspended Solids	MG/L	70	104.00000	48.57%	X			
WV1021095; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18									
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.	Degree of Non-Compliance
1/31/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.97350	38.98%	X			
3/31/2016	01045 - Iron, Total (as Fe)	MG/L	1.42	1.48700	4.72%	X			
WV1021095; Outlet 004; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18									
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.	Degree of Non-Compliance
1/31/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	11.94000	385.37%		X		
2/28/2017	01045 - Iron, Total (as Fe)	MG/L	2.46	2.65600	7.97%	X			
1/31/2017	00530 - Total Suspended Solids	MG/L	70	320.00000	357.14%		X		
1/31/2017	01105 - Aluminum, Total (as Al)	MG/L	1.7	3.05900	79.94%	X			
WV1021095; Outlet 004; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18									
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.	Degree of Non-Compliance
1/31/2017	01045 - Iron, Total (as Fe)	MG/L	1.42	2.34647	65.24%		X		
WV1021095 non pH Totals									
Degree of non-compliance						Min.	Mod.	Maj.	
						9	3	0	
plus pH									
						1	0	0	

WV1021095 Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	10	3	0

WV1021095; Outlet 001; DMR Exceedances - pH Min - 02/19/16-12/31/18							Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance		Min.	Mod.	Maj.
2/28/2017	00400 - pH	Std Units	6	5.82	24.00%		X		



WV1024159; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18						Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
10/10/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.912	21.60%	X		
WV1024159; Outlet 003; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18						Degree of Non-Compliance		
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedance	Min.	Mod.	Maj.
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.9700	162.67%		X	
7/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	0.84	12.00%	X		
8/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	1.33	77.33%	X		
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.75	2.54	238.67%		X	
6/30/2018	00530 - Total Suspended Solids	MG/L	70	75.0000	7.14%	X		
WV1024159; Outlet 003; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18						Degree of Non-Compliance		
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
9/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.90	109.30%		X	
7/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.43	0.66300	54.19%		X	
6/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43	0.9600	123.26%		X	
6/30/2018	00530 - Total Suspended Solids	MG/L	35	36.3300	3.80%	X		

**plus pH**

Degree of non-compliance			
Min.	Mod.	Maj.	
5	5	0	0

**WV1024159 non pH Totals**

Degree of non-compliance			
Min.	Mod.	Maj.	
5	5	0	0

**WV1024159 Totals**

Degree of non-compliance			
Min.	Mod.	Maj.	
5	5	0	0

NoT Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	72	41	4

Trout Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	57	29	12

Trout+Iron Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	35	18	

ATTACHMENT 3-B											
EXCEEDANCES 01/01/2019 TO 06/30/2020											
RESPONSIBLE PARTY	WV/DEPES PERMIT NO.	OUTLET	REPORT DATE	PARAMETER	REPORT AVG	REPORT MAX	LIMIT AVG	LIMIT MAX	UNITS	NONCOMPLIANCE	Degree of non-compliance
BLUESTONE COAL CORPORATION	WV/005979	001	2/28/2019 0:00	000530 - Total Suspended Solids	89				MG/L	010 - Exceeds Concentration Maximum	% Exceedance
BLUESTONE COAL CORPORATION	WV/005979	001	2/28/2019 0:00	01045 - Iron, Total (as Fe)	3.96				MG/L	010 - Exceeds Concentration Maximum	21% 61%
BLUESTONE COAL CORPORATION	WV/005985	001	6/30/2019 0:00	01105 - Aluminum, Total (as Al)	5.040				MG/L	010 - Exceeds Concentration Maximum	572%
BLUESTONE COAL CORPORATION	WV/005985	001	6/30/2019 0:00	01045 - Iron, Total (as Fe)	2.81				MG/L	010 - Exceeds Concentration Maximum	14%
BLUESTONE COAL CORPORATION	WV/005985	001	6/30/2019 0:00	01105 - Aluminum, Total (as Al)	1.338		4.3		MG/L	030 - Exceeds Concentration Average	211%
BLUESTONE COAL CORPORATION	WV/006304	001	4/30/2019 0:00	00981 - Selenium, Total Recoverable	4.75	7.30	4.7	8.2	UG/L	030 - Exceeds Concentration Average	1%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	01045 - Iron, Total (as Fe)	3.290				MG/L	010 - Exceeds Concentration Maximum	34%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	000530 - Total Suspended Solids	118				MG/L	010 - Exceeds Concentration Maximum	69%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	01105 - Aluminum, Total (as Al)	1.070				MG/L	010 - Exceeds Concentration Maximum	43%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	01045 - Iron, Total (as Fe)	3.969				MG/L	010 - Exceeds Concentration Maximum	61%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	000530 - Total Suspended Solids	95				MG/L	010 - Exceeds Concentration Maximum	36%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	01105 - Aluminum, Total (as Al)	1.350				MG/L	010 - Exceeds Concentration Maximum	60%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	01105 - Aluminum, Total (as Al)	0.695				MG/L	030 - Exceeds Concentration Average	62%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	000530 - Total Suspended Solids	61				MG/L	030 - Exceeds Concentration Average	24%
BLUESTONE COAL CORPORATION	WV/006304	002	4/30/2020 0:00	01045 - Iron, Total (as Fe)	1.775				MG/L	030 - Exceeds Concentration Average	56%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	01105 - Aluminum, Total (as Al)	0.730				MG/L	030 - Exceeds Concentration Average	70%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	01045 - Iron, Total (as Fe)	2.060				MG/L	030 - Exceeds Concentration Average	45%
BLUESTONE COAL CORPORATION	WV/006304	002	5/31/2020 0:00	000530 - Total Suspended Solids	50				MG/L	030 - Exceeds Concentration Average	43%
BLUESTONE COAL CORPORATION	WV/006304	003	1/31/2019 0:00	00981 - Selenium, Total Recoverable	5.80				UG/L	030 - Exceeds Concentration Average	23%
BLUESTONE COAL CORPORATION	WV/006304	003	3/31/2019 0:00	00981 - Selenium, Total Recoverable	5.30				UG/L	030 - Exceeds Concentration Average	13%
BLUESTONE COAL CORPORATION	WV/006304	003	4/30/2019 0:00	00981 - Selenium, Total Recoverable	6.15				UG/L	030 - Exceeds Concentration Average	31%
BLUESTONE COAL CORPORATION	WV/006304	005	1/31/2019 0:00	00981 - Selenium, Total Recoverable	6.54				UG/L	030 - Exceeds Concentration Average	41%
BLUESTONE COAL CORPORATION	WV/006304	005	2/28/2019 0:00	00981 - Selenium, Total Recoverable	5.80				UG/L	030 - Exceeds Concentration Average	19%
BLUESTONE COAL CORPORATION	WV/006304	005	3/31/2019 0:00	00981 - Selenium, Total Recoverable	5.43				UG/L	030 - Exceeds Concentration Average	16%
BLUESTONE COAL CORPORATION	WV/006304	005	4/30/2019 0:00	00981 - Selenium, Total Recoverable	6.45				UG/L	030 - Exceeds Concentration Average	37%
BLUESTONE COAL CORPORATION	WV/006304	005	5/31/2019 0:00	00981 - Selenium, Total Recoverable	5.63				UG/L	030 - Exceeds Concentration Average	20%
BLUESTONE COAL CORPORATION	WV/006304	005	2/28/2020 0:00	00981 - Selenium, Total Recoverable	5.80				UG/L	030 - Exceeds Concentration Average	23%
BLUESTONE COAL CORPORATION	WV/006304	005	3/31/2020 0:00	00981 - Selenium, Total Recoverable	5.09				UG/L	030 - Exceeds Concentration Average	7%
BLUESTONE COAL CORPORATION	WV/006304	005	6/30/2020 0:00	00981 - Selenium, Total Recoverable	6.15				UG/L	030 - Exceeds Concentration Average	31%
BLUESTONE COAL CORPORATION	WV/006304	006	10/31/2019 0:00	00981 - Selenium, Total Recoverable	9.00				UG/L	010 - Exceeds Concentration Maximum	10%
BLUESTONE COAL CORPORATION	WV/006304	006	2/28/2020 0:00	00981 - Selenium, Total Recoverable	11.90				UG/L	010 - Exceeds Concentration Maximum	45%
BLUESTONE COAL CORPORATION	WV/006304	006	1/31/2019 0:00	00981 - Selenium, Total Recoverable	5.87				UG/L	030 - Exceeds Concentration Average	25%
BLUESTONE COAL CORPORATION	WV/006304	006	2/28/2019 0:00	00981 - Selenium, Total Recoverable	5.64				UG/L	030 - Exceeds Concentration Average	20%
BLUESTONE COAL CORPORATION	WV/006304	006	3/31/2019 0:00	00981 - Selenium, Total Recoverable	4.80				UG/L	030 - Exceeds Concentration Average	2%
BLUESTONE COAL CORPORATION	WV/006304	006	4/30/2019 0:00	00981 - Selenium, Total Recoverable	5.30				UG/L	030 - Exceeds Concentration Average	13%
BLUESTONE COAL CORPORATION	WV/006304	006	5/31/2019 0:00	00981 - Selenium, Total Recoverable	4.85				UG/L	030 - Exceeds Concentration Average	3%
BLUESTONE COAL CORPORATION	WV/006304	006	1/31/2020 0:00	00981 - Selenium, Total Recoverable	5.10				UG/L	030 - Exceeds Concentration Average	9%
BLUESTONE COAL CORPORATION	WV/006304	006	2/28/2020 0:00	00981 - Selenium, Total Recoverable	5.00				UG/L	030 - Exceeds Concentration Average	6%
BLUESTONE COAL CORPORATION	WV/006304	007	1/31/2019 0:00	00981 - Selenium, Total Recoverable	13.00				UG/L	010 - Exceeds Concentration Maximum	59%
BLUESTONE COAL CORPORATION	WV/006304	007	2/28/2019 0:00	00981 - Selenium, Total Recoverable	13.06				UG/L	010 - Exceeds Concentration Maximum	59%
BLUESTONE COAL CORPORATION	WV/006304	007	3/31/2019 0:00	00981 - Selenium, Total Recoverable	12.50				UG/L	010 - Exceeds Concentration Maximum	52%
BLUESTONE COAL CORPORATION	WV/006304	007	4/30/2019 0:00	00981 - Selenium, Total Recoverable	9.10				UG/L	010 - Exceeds Concentration Maximum	11%
BLUESTONE COAL CORPORATION	WV/006304	007	5/31/2019 0:00	00981 - Selenium, Total Recoverable	9.80				UG/L	010 - Exceeds Concentration Maximum	6%
BLUESTONE COAL CORPORATION	WV/006304	007	6/30/2019 0:00	00981 - Selenium, Total Recoverable	9.30				UG/L	010 - Exceeds Concentration Maximum	20%
BLUESTONE COAL CORPORATION	WV/006304	007	7/31/2019 0:00	00981 - Selenium, Total Recoverable	9.00				UG/L	010 - Exceeds Concentration Maximum	10%
BLUESTONE COAL CORPORATION	WV/006304	007	8/31/2019 0:00	00981 - Selenium, Total Recoverable	8.40				UG/L	010 - Exceeds Concentration Maximum	21%
BLUESTONE COAL CORPORATION	WV/006304	007	9/30/2019 0:00	00981 - Selenium, Total Recoverable	8.40				UG/L	010 - Exceeds Concentration Maximum	2%
BLUESTONE COAL CORPORATION	WV/006304	007	10/31/2019 0:00	00981 - Selenium, Total Recoverable	13.00				UG/L	010 - Exceeds Concentration Maximum	59%
BLUESTONE COAL CORPORATION	WV/006304	007	12/31/2019 0:00	00981 - Selenium, Total Recoverable	11.30				UG/L	010 - Exceeds Concentration Maximum	38%
BLUESTONE COAL CORPORATION	WV/006304	007	1/31/2020 0:00	00981 - Selenium, Total Recoverable	9.10				UG/L	010 - Exceeds Concentration Maximum	11%
BLUESTONE COAL CORPORATION	WV/006304	007	2/28/2020 0:00	00981 - Selenium, Total Recoverable	11.00				UG/L	010 - Exceeds Concentration Maximum	34%
BLUESTONE COAL CORPORATION	WV/006304	007	3/31/2020 0:00	00981 - Selenium, Total Recoverable	12.20				UG/L	010 - Exceeds Concentration Maximum	49%
BLUESTONE COAL CORPORATION	WV/006304	007	4/30/2020 0:00	01045 - Iron, Total (as Fe)	10.50				MG/L	010 - Exceeds Concentration Maximum	28%
BLUESTONE COAL CORPORATION	WV/006304	007	5/31/2020 0:00	000530 - Total Suspended Solids	88				MG/L	010 - Exceeds Concentration Maximum	80%
BLUESTONE COAL CORPORATION	WV/006304	007	6/30/2020 0:00	000530 - Total Suspended Solids	1.740				MG/L	010 - Exceeds Concentration Maximum	26%
BLUESTONE COAL CORPORATION	WV/006304	007	7/31/2020 0:00	000530 - Total Suspended Solids	1.740				MG/L	010 - Exceeds Concentration Maximum	132%
BLUESTONE COAL CORPORATION	WV/006304	007	8/31/2020 0:00	00981 - Selenium, Total Recoverable	10.30				UG/L	010 - Exceeds Concentration Maximum	25%
BLUESTONE COAL CORPORATION	WV/006304	007	9/30/2020 0:00	00981 - Selenium, Total Recoverable	9.89				UG/L	030 - Exceeds Concentration Average	110%
BLUESTONE COAL CORPORATION	WV/006304	007	10/31/2020 0:00	00981 - Selenium, Total Recoverable	10.23				UG/L	030 - Exceeds Concentration Average	118%
BLUESTONE COAL CORPORATION	WV/006304	007	11/30/2020 0:00	00981 - Selenium, Total Recoverable	16.18				UG/L	030 - Exceeds Concentration Average	74%









BLUESTONE COAL CORPORATION	WV1018955	010	5/31/2019 0.0001105 - Aluminum, Total (as A)	0.607		08	MG/L	030 - Exceeds Concentration Average	659%		X
BLUESTONE COAL CORPORATION	WV1018955	010	6/30/2019 0.0001105 - Aluminum, Total (as A)	0.607		08	MG/L	030 - Exceeds Concentration Average	659%		X
BLUESTONE COAL CORPORATION	WV1024159	002	2/28/2019 0.0000630 - Total Suspended Solids	80			70	MG/L 010 - Exceeds Concentration Maximum	14%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	7/31/2019 0.0001105 - Aluminum, Total (as A)	0.890			75	MG/L 010 - Exceeds Concentration Maximum	19%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	10/31/2019 0.0001105 - Aluminum, Total (as A)	1.120			75	MG/L 010 - Exceeds Concentration Maximum	49%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	12/31/2019 0.0001105 - Aluminum, Total (as A)	1.920			75	MG/L 010 - Exceeds Concentration Maximum	156%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	2/28/2020 0.0001105 - Aluminum, Total (as A)	0.840			75	MG/L 010 - Exceeds Concentration Maximum	12%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	7/31/2019 0.0001105 - Aluminum, Total (as A)	0.590		43		MG/L 030 - Exceeds Concentration Average	37%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	10/31/2019 0.0001105 - Aluminum, Total (as A)	1.120		43		MG/L 030 - Exceeds Concentration Average	160%	X	
BLUESTONE COAL CORPORATION	WV1024159	002	12/31/2019 0.0001105 - Aluminum, Total (as A)	1.020		43		MG/L 030 - Exceeds Concentration Average	137%	X	

Non-Trout Totals	39	44	12
Trout Totals	0	0	0
Trout-Iron Totals	63	37	0
ALL TOTALS	102	81	12

<b>Attachment 4</b>
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**Failure To Submits - Bluestone Coal Corporation (M-19-283)**

Permit	Outlet	Sampling	Month	Year
WV1006304	037	Semi-Monthly	April, May, June	2016
	DRF	Semi-Monthly	September, October, November	2016
WV1008552	003	Semi-Monthly	January, February, March, April, May	2016
WV1021079	BAS-PCDS-001	Quarterly	March (Error - Reported in Jan)	2017
	BAS-PCDS-008	Quarterly	March (Error - Reported in Jan)	2017
	BAS-PCUS-001	Quarterly	March (Error - Reported in Jan)	2017
	BAS-PCUS-008	Quarterly	March (Error - Reported in Jan)	2017



09/02/20

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**Base Penalty Calculation**

(pursuant to 47CSR1-6.1)

Responsible Party: Bluestone Coal Corporation M-19-283 WVPNDES No.:

WV1005979, WV1005995,  
WV1006304, WV1006347,  
WV1006479, WV1006614,  
WV1008838, WV1018698,  
WV18736, WV1018965,  
WV1021095, WV1024159,  
WV1008552, WV1021079

Treatment System Design Maximum Flow: N/A MGD

Treatment System Actual Average Flow: N/A MGD (if known)

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#											
			No T	No T	No T	T	T	T	T Al	T Al	T Al	T I	T I	T I
a)	Amount of Pollutant Released	1 to 3	1	1	2	1	1	2	1	1	2	1	1	2
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	3	3	3	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	3	3	3	3	3	3	2	2	2
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1
	<b>Average Potential for Harm Factor</b>		1	1	1.2	1.4	1.4	1.6	1.8	1.8	2	1.2	1.2	1.4
2)	<b>Extent of Deviation Factor</b>	<b>Factor Range</b>												
	Degree of Non-Compliance	1 to 3	1	2	3	1	2	3	1	2	3	1	2	3

**Potential for Harm Factors:**

- 1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)  
 1)d - Length of Time of Violation  
 1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

**Examples/Guidance:**

**Note:** Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

**Minor** = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

**Moderate** = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly, >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.

**Major** = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.



		Extent of Deviation from Requirement		
		Major	Moderate	Minor
<b>Potential for Harm to Human Health or the Environment</b>	<b>Major</b>	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	<b>Moderate</b>	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	<b>Minor</b>	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
No T	Minor	Minor	\$1,000	111	\$111,000
No T	Minor	Moderate	\$1,500	85	\$127,500
No T	Moderate	Major	\$4,200	16	\$67,200
T	Moderate	Minor	\$2,400	57	\$136,800
T	Moderate	Moderate	\$3,400	29	\$98,600
T	Moderate	Major	\$4,600	12	\$55,200
T AI	Moderate	Minor	\$2,800		\$0
T AI	Moderate	Moderate	\$3,800		\$0
T AI	Moderate	Major	\$5,000		\$0
T I	Moderate	Minor	\$2,200	98	\$215,600
T I	Moderate	Moderate	\$3,200	55	\$176,000
T I	Moderate	Major	\$4,400		\$0
0	FALSE	FALSE	FALSE		\$0
TIAL	Moderate	Minor	\$2,600		\$0
TIAL	Moderate	Moderate	\$3,600		\$0
TIAL	Moderate	Major	\$4,800		\$0
0	FALSE	FALSE	FALSE	1	\$0
FTS	Major	Major	\$10,000		\$0
WET	FALSE	FALSE	\$10,000	24	\$240,000
BAS	FALSE	FALSE	\$10,000	8	\$80,000
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
<b>Total Base Penalty</b>					<b>\$1,307,900</b>

## **Penalty Adjustment Factors**

(pursuant to 47CSR1-6.2)

### **Penalty Adjustment Factor**

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

#### **Size of Violator: 0 - 50% decrease**

**NOTE:** This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

**Additional Other factors to be determined for increases or decreases on a case-by-case basis.**

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

## **Base Penalty Adjustments**

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	30		\$392,370
6.2.b.4 - Compliance/noncompliance history -	30		\$392,370
6.2.b.6 - Economic benefits - (flat monetary increase)	\$56,000		\$56,000
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)		Decrease to \$125,000 per 22-11- 22a (b)(1)	\$2,023,700
Public Notice Costs (flat monetary increase)	\$60		\$60
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease			\$0
6.2.b.3 - Cooperation with the Secretary			\$0
6.2.b.5 - Ability to Pay			\$0
<b>Penalty Adjustments</b>			<b>(\$1,182,900)</b>
<b>Penalty =</b>			<b>\$125,000</b>

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	\$44,000
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	\$12,000
<b>Estimated Economic Benefit</b>	<b>\$56,000</b>
<p><b>Comments:</b></p> <p>*Competitive Advantage: Non-compliances @ \$1,000/quarter x 12 quarters = \$12,000</p> <p>*Monitoring &amp; Reporting: Failure to Submit DMR @\$1,000/reporting frequency: WV1006304 - Outlet 037 April, May, June (\$3,000); WV1008552 - Outlet 003 January, February, March, April, May (\$5,000) = \$8,000; Failure to Submit WET @\$1,000/reporting frequency: WV1021079(outlet 008) &amp; WV1021095 (outlet 004)- 2016, 2017 &amp; 2018 - total 24 missed = \$24,000; Failure to submit BAS @ \$1,500/reporting frequency: WV1021079 (outlet 008 x 2) &amp; WV1021095 (outlet 004 x 2) - 2017 &amp; 2018 - total 8 missed = \$12,000</p>	